

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

**JOHN CHARPING d/b/a CHICK-FIL-A)
AT CONCORD COMMONS,**

Defendant.

**CIVIL ACTION NO.
1:13-CV-00535-WO-JLW**

WAIVER OF SERVICE OF SUMMONS RETURNED EXECUTED

I, the undersigned attorney for the U.S. Equal Employment Opportunity Commission, hereby file the attached document via CM/ECF with the U.S. District Court on this 2nd day of August, 2013:

WAIVER OF SERVICE OF SUMMONS

The document was signed by Alexander L. Maultsby, attorney for Defendant, John Charping d/b/a Chick-fil-A at Concord Commons, on July 29, 2013.

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

By: /s/ Darryl L. Edwards
Darryl L. Edwards (PA Bar I.D. No. 205906)
Trial Attorney
Email: darryl.edwards@eeoc.gov
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Charlotte District Office
129 West Trade Street, Suite 400
Charlotte, NC 28202
Direct Dial: (704) 954-6467
Facsimile: (704) 954-6412

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing *Waiver of Service of Summons Returned Executed*, via U.S. mail, to the address provided by defense counsel at the time Defendant waived Service of Summons in this matter.

Counsel for Defendant

Alexander L. Maultsby
Smith Moore Leatherwood LLP
Attorneys at Law
300 North Greene Street
Suite 1400
PO Box 21927
Greensboro, NC 27401

This 2nd day of August, 2013.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

By: /s/ Darryl L. Edwards
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WAIVER OF SERVICE OF SUMMONS

TO: Darryl L. Edwards
Trial Attorney
U.S. Equal Employment Opportunity Commission
Charlotte District Office
129 West Trade Street, Suite 400
Charlotte, NC 28202

I acknowledge receipt of your request that I waive service of a Summons in the action of *EEOC v. John Charping d/b/a Chick-fil-A at Concord Commons*, which is case number 1:13-CV-00535, in the United States District Court for the Middle District of North Carolina. I have also received a copy of the Complaint in this action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the Complaint in this lawsuit by not requiring that I, as franchised restaurant operator for John Charping d/b/a Chick-fil-A at Concord Commons, be served with judicial process in the manner provided by Rule 4.

John Charping d/b/a Chick-fil-A at Concord Commons will retain all defenses or objections to the lawsuit or to jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against John Charping d/b/a Chick-

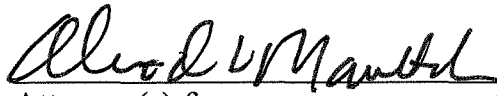
fil-A at Concord Commons if an answer or motion under Rule 12 is not served upon you within sixty (60) days after July 2, 2013.¹

Date

John Charping, Franchised Restaurant
Operator for
John Charping d/b/a Chick-fil-A at
Concord Commons

OR

July 29, 2013
Date


Attorney(s) for
John Charping d/b/a Chick-fil-A at
Concord Commons

¹ **Duty to Avoid Unnecessary Costs of Service of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.